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COMMISSION ON THE STATUS OF WOMEN
Open-ended Working Group on the
Elaboration of a Draft Optional
Protocol to the Convention on the
Elimination of All Forms of
Discrimination against Women
10-21 March 1997
Agenda item 5

CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN, INCLUDING THE ELABORATION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION

Draft report of the Open-ended Working Group (Part I)

Chairperson: Ms. Aloisia WÖRGETTER (Austria)

1. In accordance with Economic and Social Council resolution 1995/29 of 24 July 1995, the Open-ended Working Group on the Elaboration of a Draft Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women met as an in-session open-ended working group of the Commission at its fortieth session. By decision 1996/240 of 22 July 1996, the Council renewed the mandate of the Working Group so that it might continue its work, and authorized it to meet in parallel with the Commission at its forty-first session.

2. Ms. Aloisia Wörgetter (Austria) continued as Chairperson of the Working Group.

3. The Working Group met from 10 to 20 March 1997. It held __ meetings (1st to __) and a number of informal meetings. It had before it the following documents:

(a) Report of the Secretary-General on a comparative summary of existing communications and inquiry procedures and practices under international human rights instruments and under the Charter of the United Nations (E/CN.6/1997/4);

(b) Report of the Secretary-General containing the additional views of Governments, intergovernmental organizations and non-governmental organizations on an optional protocol to the Convention (E/CN.6/1997/5);

(c) Note by the Secretariat containing a compilation text prepared by the Chairperson, based on proposals made by members of the Open-ended Working Group at its first session, on views submitted by Governments and intergovernmental and non-governmental organizations, and on elements suggested by the Committee on the Elimination of Discrimination against Women (E/CN.6/1997/WG/L.1).

4. The Chairperson opened the meeting and made a statement.

5. At the 1st meeting, on 10 March, the Special Adviser on Gender Issues and Advancement of Women, made an introductory statement.

6. At the same meeting, the representative of the Committee on the Elimination of Discrimination against Women made a statement in her capacity as a resource person, in accordance with Economic and Social Council decision 1996/240.

General exchange of views

7. At its 1st and 2nd meetings, on 10 and 11 March, the Working Group, at the invitation of the Chairperson, held a general exchange of views on item 5. Delegations welcomed the text prepared by the Chairperson (E/CN.6/1997/WG/L.1), which was based on the elements suggested by the Committee on the Elimination of Discrimination against Women in suggestion No. 7 (A/50/38), on proposals made by members of the open-ended Working Group at its first session (E/1996/26, annex III) and on views expressed by Governments, intergovernmental organizations and non-governmental organizations (E/CN.6/1996/10 and Corr.1 and Add.1 and 2 and E/CN.6/1997/5). The Working Group agreed that this text should be used as basis for the further deliberations in the Working Group and for the process of drafting an optional protocol.

8. It was suggested that a first reading of the Chairperson's text be completed at the current session of the Commission, with a view to finalizing an optional protocol as quickly as possible. The aim of achieving the protocol's entry into force before the year 2000 was put forward. It was also suggested that the Working Group should proceed without a specific timetable.

9. Delegations pointed out that an optional protocol would be an essential step in the follow-up to the World Conference on Human Rights and the Fourth World Conference on Women. It would strengthen the implementation of the legal rights of women contained in the Convention on the Elimination of All Forms of Discrimination against Women, and make the Convention more effective in promoting and protecting these rights. An optional protocol would complement and strengthen the existing implementation mechanism under the Convention, that is, the reporting procedure under article 18. An optional protocol, which should allow for complaints about general and specific violations of the rights of women, would place the Convention on an equal footing with other international human rights treaties having communications procedures. The

optional protocol should be consistent with, and complementary to, similar existing mechanisms, and these should be drawn upon in its elaboration.

10. Delegations emphasized that any possible duplication or overlapping with similar existing procedures should be avoided. It was noted that the achievement of the universal ratification of the Convention, its effective implementation, and the withdrawal of reservations by States parties remained important goals to be achieved. The need to improve the effectiveness of the existing monitoring mechanism, as well as to ensure the efficiency of any new mechanism, was noted.

11. In preparing an optional protocol, a number of issues would need to be resolved. The breadth of the articles contained in the Convention, covering political, civil, economic, social and cultural rights, and the influence of social attitudes and practices on women's de facto enjoyment of their rights, would need to be kept in mind. It was also noted that the Working Group should proceed in a way that would lead to a strong instrument that was acceptable to many States parties to the Convention and that could be enforced effectively.

12. Questions were raised with respect to the appropriateness of the proposed inquiry procedure in the light of the goals of the Convention.